

# Department of Human Services

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## Articles in Today's Clips Wednesday, April 11, 2007

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<u>TOPIC</u>	<u>PAGE</u>
* Child Abuse/Neglect/Protection	2-7
Foster Care	8-9
Juvenile Justice	10
Child Support	11
Homelessness	12-14
Housing	15-16
Health Care	17
Migrant Workers	18-19
Burial Assistance	20

\*Important story at this spot



## 6-year-old safe-delivery law saves newborns' lives

At least 44 babies have been rescued, health officials say

April 11, 2007

BY JACK KRESNAK

FREE PRESS STAFF WRITER

At least 44 newborns have survived abandonment thanks to a 6-year-old Michigan law, state and local health officials announced Tuesday.

"The first 24 hours of a child's life is the most dangerous, the most vulnerable time," said Dr. Phyllis Meadows, health officer for the Detroit Health Department, during a news conference at Children's Hospital of Michigan.

Under the Safe Delivery of Newborns Act, parents who are unable to care for their newborn are allowed to turn the baby over to employees of a fire department, hospital or police station with no questions asked.

Since Jan. 1 of this year, the law also includes uniformed emergency medical technicians, police officers or firefighters responding to a 911 call. Previously, the child had to be taken to a facility.

Tragedies continue, however.

Although seven babies were safely surrendered anonymously by a parent in 2006, at least seven others were found abandoned and dead in the state, officials said. On March 19, an abandoned baby boy was found dead behind a motel in Ypsilanti Township.

The state Department of Human Services and the Children's Trust Fund have sponsored a 30-second public service announcement for broadcast outlets and a 2 1/2 -minute video about the law for use in schools, hospitals and other settings. To see the videos, go to [www.michigan.gov](http://www.michigan.gov). Click on Safe Delivery under the Spotlight heading.

Parents who need help can call the Safe Delivery Hotline, 866-733-7733, anytime.

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The Detroit News

April 11, 2007

## **Sterling Hts.:Man held in '03 baby death**

A 31-year-old St. Clair County man is in jail after police re-opened a 2003 case in which the man allegedly beat to death his girlfriend's 11-month-old daughter. Undercover officers with the Michigan State Police's Richmond Post were monitoring Anthony Joseph Rizzo when they arrested him about 7:20 a.m. Monday at a gas station in Sterling Heights. Rizzo, of Clay Township, was arraigned in Romeo District Court Monday on felony murder, second-degree murder and first-degree child abuse charges. He was denied bond. The child, Kala Faye Kacarka of Algonac, was with Rizzo and her mother, Tracey Ann Kuhr, on July 8, 2003 at a Washington Township drug store. She suffered breathing problems and was taken to Children's Hospital in Detroit, where she later died, police said. The Oakland County and Macomb County medical examiners agreed the child was a victim of child abuse and that homicide was the cause of death. Police never dropped the case, and about five months ago it came up for review.



04/10/2007

## Smith charged with first-degree murder

STACY LANGLEY , The Huron Daily Tribune

**BAD AXE** — Bond was set at \$150,000 cash for the Ubyly man charged with causing the Thursday death of a 19-month-old boy at Port Crescent Apartments.

Huron County Prosecutor Mark J. Gaertner asked Huron County District Court Judge Karl E. Kraus Monday afternoon to deny bond for Brandon Smith. He stated that Smith already was facing up to 40 years in prison on an unrelated drug charge in circuit court and was now facing a first-degree felony murder charge in the death of his girlfriend's son Nickolas "Nicky" Crowell.

The murder charge carries a mandatory sentence of life in prison without the possibility of parole.

Gaertner said Monday "the proof is evident and the presumption is great," adding that evidence gathered in the case by detectives includes statements by Smith, the child's mother, Ashley Walls, and the child's grandmother, Brenda Walls, all placing Smith alone with the child during the time frame in which officials believe the child was injured, resulting in his death.

Dr. Kanu Virani, forensic pathologist/Oakland County medical examiner, conducted the autopsy of Nickolas Crowell late Friday afternoon at Huron Medical Center in Bad Axe. Virani determined the child's spleen had three lacerations and both lungs were bruised as a result of a severe blow of blunt force trauma which caused the child to bleed out into his abdominal cavity, resulting in death.

"There are statements the defendant (Smith) made that he gave the child a bear hug," Gaertner said during the arraignment.

Prosecutors later stated "no way a bear hug would cause that type of damage." Kraus denied Gaertner's request to hold Smith without bond. He said he would review the matter once Smith was represented by an attorney.

During the arraignment proceeding, Smith told the court he hasn't had a job in nearly a year and was unable to afford an attorney to represent him on the murder charge.

Kraus appointed Bad Axe Attorney Douglas Lee to represent Smith, who appeared alone during the arraignment after speaking just briefly with attorney James Woodworth. Woodworth represented him just hours earlier in circuit court on a charge of conspiracy to deliver cocaine less than 50 grams.

Woodworth said he was hired to represent the child's mother, Ashley Walls, before realizing Smith's "involvement in the case".

Woodworth said he notified the prosecutor and the court that he would not be representing Smith on the murder charge and said Monday afternoon he would be filing a motion in circuit court to bow out of representing Smith on the drug charge. Smith stood mute to that charge.

As Smith was being led away from the courtroom Monday afternoon to be returned to jail, Woodworth said his client and her family "are at the funeral home across town right now trying to deal with this incredible tragedy. My client (Ashley Walls) is totally devastated ... Her grief is immeasurable."

Funeral services for Nickolas "Nicky" Crowell were scheduled for Tuesday morning at the Bad Axe Free Methodist Church with burial in the Colfax Township Cemetery.

Ashley Walls called 9-1-1 to report her child was "having trouble breathing" at 1:54 p.m. Thursday. Nickolas Crowell was transported to Huron Medical Center in Bad Axe where he was pronounced dead.

Smith's preliminary examination was set for April 19 in Huron County District Court.

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[Return to regular web page](#)



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April 11, 2007

## Unlicensed teen crashes car, police say

Charges will be sought for grandma who sent 15-year-old on errand; driver and sister, 4, hurt.

**Valerie Olander / The Detroit News**

**HAMBURG TOWNSHIP** -- Township police plan to seek charges against a Pinckney woman who sent her 15-year-old granddaughter on an errand in the family's 1997 Oldsmobile.

The girl and her 4-year-old sister were injured in a rollover accident on Bauer Road, north of Bishop Lake Road, shortly after noon Tuesday when the unlicensed juvenile driver lost control of the car at a high rate of speed, went up an embankment, struck a tree and rolled over, police said.

The girl told police her grandmother had sent her to a bank in Brighton, about 15 miles away.

"My officers tell me it's lucky these girls were not killed," said Hamburg Township Police Chief Steve Luciano.

Both girls were transported by ambulance to University Hospital in Ann Arbor.

The 15-year-old had minor cuts and bruises, and the younger girl had a broken left arm, police said.

"What saved them was the girl was wearing a seat belt, and the younger one was secured in a child restraint seat.

"They were hanging upside down when the officers arrived," Luciano said.

Hamburg Township Police will seek a charge of allowing an unlicensed person to operate a motor vehicle against the girls' grandmother, 66.

Luciano will be talking to the Livingston County Prosecutor's Office to determine if additional charges will be filed.

"I've seen accidents where kids have taken a car without permission, but nothing like this where permission is given," Luciano said.

Police have yet to talk to the grandmother, who was on the way to the hospital when officers arrived at the Pinckney home. Police are attempting to determine if the grandmother is the girls' legal guardian.

The Michigan Department of Human Services was notified of the incident, he said.

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[Return to regular web page](#)



# THE BAY CITY TIMES

## Quit playing politics when children's lives are at stake

Tuesday, April 10, 2007

Nonsense is holding up sensible legislation that would require Michigan public schools to write no-bullying policies.

The entire debate down in Lansing isn't over whether schools need to address bullying - most every lawmaker agrees that they do.

Gov. Granholm calls the proposal a no-brainer.

It is.

Experts across the nation estimate, for example, that about two-thirds of all school shootings are the result of bullying. It was a factor in the Columbine, and Red Lake, Minn., massacres.

Yet, here in Michigan, Democrats and Republicans fight over one description of bullying as physical or verbal threats or attacks motivated by sexual orientation, gender identity or expression.

Democrats want to keep that language. Republicans want to pluck it out, because, they say, it offers the protection of law to homosexual behavior.

There it is - that old homosexual bogeyman again. Never mind that the proposal also describes bullying over weight, race, color, sex, disability, religion, socioeconomic status - basically everything.

Everybody, get over this homosexual stumbling block.

At least this once.

For our kids.

A lot of schools, especially in the Bay County area, already have zero tolerance for bullies.

Those that don't need this law to force them to deal with behavior that does great damage to our children.

Even driving some who see no way out but to kill themselves or others.

Our children's lives are at stake, and our leaders - Democrats and Republicans - are hung up on homosexuality.

For shame.

Stop that squabbling and pass this proposal.

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Saginaw News

April 11, 2007

Editor, The News:

The state House recently passed legislation to require schools to adopt anti-bullying and harassment policies. I don't know anyone who would be against protecting our children while they are at school.

However, conservative "Christians" actually opposed this legislation, "because it would protect students who are bullied because of their sexual orientation." For conservative "Christians," it would be OK for kids to be pushed around, socked, taunted, called names, made to feel inferior and generally harmed if they were perceived to be gay or lesbian. We're talking kids here! Is it OK for a second-grader to be beat up because he's gay? A teenager? What is it with these people that they don't want all children protected from uncivilized behavior?

This preoccupation with sex within the conservative "Christian" movement has me concerned. Why are they fighting for the right of children to be able to pick on other children because of sexual orientation? Why not because they use the Lord's name in vain, or steal candy or lie or cheat on a test? None of these things are any concern to the "Christians" who opposed this legislation. Only the perceived sexuality of the victim. Conservative "Christians" don't stop there. They spend a lot of money, pulpit time and lobbying efforts to deny rights to gay and lesbian adults, too.

We'll now likely have legislation to protect our children in schools against bullying, but who's going to protect the rest of us from these conservative "Christians"?

T. Richards  
Saginaw



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Published April 11, 2007

## Shooting victim, 14, was often uprooted

Grandmother says his dad was trying to regain custody

Kevin Grasha  
Lansing State Journal

### What's next

- A preliminary hearing for Thomas Joseph Mack, 15 - who is charged with murder in the shooting death of his 14-year-old foster brother - is scheduled for Monday. Mack is charged as an adult. The hearing determines if the case advances to trial.

For Daniel Brock Austin, 14, life was rough, his paternal grandmother said.

He discovered his mother's dead body when he was about 10 years old.

He was shifted from home to home before seemingly finding a safe haven in a Lansing foster home.

His grandmother, during a telephone interview Tuesday, said that's how Daniel's life was before, authorities say, his 15-year-old foster brother shot him to death.

Daniel's biological father was trying to get him back, she said.

"He wanted Daniel with him," said Mary Austin, the boy's grandmother, of Marcellus, east of Benton Harbor.

Prosecutors have charged Thomas Joseph Mack, 15, with murder in the death of Daniel Austin.

Both boys lived in a Lansing foster home.

Another foster brother was present at the time of the shooting, authorities said.

Mack, who will be 16 in July, is charged as an adult with first-degree murder. In the alternative, he is charged with second-degree murder.

The shooting happened the afternoon of April 3 in an apartment at 319 E. Hillsdale St., where the foster parents' son lived.

### Fight a possible prelude

Neighbors said the shooting may have followed a fight or argument.

Mack's attorney, Keith Watson, said he did not want to comment at this time.

Reached by telephone Tuesday, the boys' foster mother, Judy Stragier, declined to comment.

Mack was being held without bond at the Ingham County Jail.



**Dad wanted custody**

Daniel's death, Mary Austin said, came only weeks before her family was going to try to have Daniel removed from the Lansing foster home.

Mary Austin said Daniel's father, Edwin G. Austin, 43, had recently moved into a larger apartment and wanted to seek custody.

He has suffered from bipolar disorder and has lived on Social Security disability benefits for decades, she said.

Edwin G. Austin was separated from Daniel's mother before Daniel was born, Mary Austin said.

The couple was married only for a few weeks.

Daniel, who attended Dwight Rich Middle School in Lansing, suffered from behavioral problems as well as Asperger's syndrome, a form of autism, his grandmother said.

Daniel's mother died of an unknown cause in 2003, she said.

Daniel, who had lived with his mom since birth, found her body inside a parked car.

Mary Austin said because of his autism, Daniel never seemed to grieve.

**Relatives overwhelmed**

Daniel lived with his grandparents for about a year, but they found they could not take care of him because of the grandfather's ill health.

"Daniel had special needs. It takes a lot of energy," Mary Austin said.

"My husband couldn't handle a lot of that."

Before that, another relative had tried to take him in.

But she, too, became overwhelmed, said the sister of Daniel's mother, Carol Creger of Zeeland, northeast of Holland.

**Placed in foster family**

Daniel then spent about two years living at St. Vincent Catholic Charities home for children in Lansing, Mary Austin said. In June 2006, Daniel was placed in the care of the Lansing foster family.

Soon after, Mary Austin said, her and her son's relationship with the new foster parents deteriorated.

Contact Kevin Grasha at 267-1347 or [kgrasha@lsj.com](mailto:kgrasha@lsj.com).

The Detroit Free Press

Wayne County news briefs

*April 11, 2007*

## **COUNTY-WIDE: Suit filed over juvenile court**

Lawyers for abused and neglected children in Wayne County asked the Michigan Supreme Court on Tuesday to take superintending control of the county's juvenile court because the chief judge reassigned hundreds of cases.

John Owdziej, president of the Trial Lawyers Association of Wayne County Juvenile Court, said Chief Circuit Judge Mary Beth Kelly illegally severed attorney-client relationships with thousands of children and assigned the cases to new lawyers who handle them for fixed fees.

Kelly said the court is working on a response to the lawsuit.

# THE DAILY Reporter

**Print this story**

## FOC takes in cash in amnesty

**Print Page**

By Roland Stoy-Staff Writer

COLDWATER — Some custodial parents are receiving some overdue child support money.

Branch County commissioners will get a report at their regular meeting this afternoon on the recent amnesty day offered by Friend of the Court (FOC), showing 50 warrants recalled and \$18,695 collected.

One person drove all the way from Missouri to deal with child support, according to Lana Jacobs of the FOC.

"Others are closer," noted Jacobs in reporting to the finance committee Tuesday morning. "You kind of ask yourself, why not take advantage of this?"

She said the biggest lump sum collected was \$4,000 at the amnesty on March 17, and while 11 clients came to the courthouse, a number of others who could not be there called and made arrangements for payment.

"We will apply approximately 10 percent of the amount collected to outstanding fees and costs due FOC, around \$1,800, and the remaining \$17,000 will be applied to child support arrears," Jacobs said in her report.

Nine cases were set for a hearing.

Jacobs said they did much better this time with the amnesty.

Six years ago was the last time they held one, and \$10,000 was collected in that effort.

"These are very outstanding numbers," she said of the latest effort.

There were about \$2,500 in expenses for the event, including advertising and mailings, which came out of a bench warrant grant.

They also bought some pizza for the workers, including sheriff's deputies who were on hand.

Jacobs said they appreciated the support of the law officers.

Outstanding warrants now number 326.

In other business, commissioners will hear reports from committees and liaison assignments as they conduct their regular business.

Also, Register of Deeds Nancy Hutchins will be offering some good news in her annual report for 2006.

The meeting, at 4 p.m. in the boardroom at the courthouse, is open to the public, with time provided at the beginning and at the end of the meeting for public comment.

Security is strictly enforced.



## KALAMAZOO GAZETTE

### Don't sweep assaults on homeless under a rug

Tuesday, April 10, 2007

Last summer was hot and dangerous for homeless people.

A hate-fueled trend that has been growing across the nation began to manifest itself with disturbing frequency last year: Packs of youths who entertain themselves by savagely beating homeless people.

Locally last year, homeless people reported being attacked by bike-riding teenagers wielding bats and bricks.

The Kalamazoo Department of Public Safety responded by increasing police presence and using plainclothes officers acting as decoys to discourage the assaults. The number of attacks has been reduced, possibly the result of the winter weather, when fewer homeless people are sleeping outdoors and fewer youths are hanging around outside looking for trouble.

But once the warmer weather comes, more homeless people will trade shelters for sleeping out at night. Once school is out, young people will once again be congregating unsupervised. And some of them may choose to amuse themselves by assaulting people for whom society has little regard and, indeed, contempt.

Some youths are inspired by popular entertainment that depicts violence against the homeless. Some may target homeless people out of malice and a misunderstanding of the causes of homelessness. And some of the young attackers are even capturing images of themselves committing the assaults with cell phone cameras, presumably as a kind of trophy with which to impress their friends.

The National Coalition for the Homeless reported 142 attacks on homeless people -- 20 of whom were killed -- in 2006, a 65 percent increase from the year before. In 1999, there were 60 attacks. It is likely the number of attacks was actually much higher since the homeless often don't report their attacks to police and police departments may not disclose those attacks to the public.

"Homeless people are the newest minority group in America that is 'OK' to hate and hurt," said Michael Stoops, the coalition's acting executive director, in an Associated Press story. "It's as though, somehow, they're viewed as less deserving, less human than the rest of us."

Unfortunately, that's a view that may be fed by some communities that try to run the homeless out of town with stiff anti-loitering laws and penalties for people or organizations that help the homeless.

Earlier this month, police in Orlando, Fla., arrested an advocate for the homeless for feeding them downtown without a permit. A new ordinance allows charities to feed more than 25 people at a time within two miles of city hall -- only if they have a permit. Charities are allowed only two permits a year.

If people can be prosecuted by the government for helping the homeless, it's not hard to see why some young people may begin to view the homeless as subhuman.

As spring warms up and more homeless people and young people spend more time out of doors, we hope the community will get involved with more supervised activities for youths, more patrols and decoy activity by police and more police reporting of assaults on homeless people.

We know this is a caring community where such assaults will not be tolerated. And, if the appropriate steps are taken, we are confident this crime can be prevented.



## Kids preying on homeless

Young attackers looking for fun becomes a trend

April 11, 2007

BY TODD LEWAN

ASSOCIATED PRESS

ORLANDO -- It was a balmy night, the sort that brings homeless people out of the shelters, when police were summoned to the driveway of a condo.

Just a few paces from the gutter lay a man. A dying man. He looked to be 50-ish and a resident of Orlando's streets, judging by the moldy jacket. He had been bludgeoned so badly that he could hardly move.

Before being rushed to the hospital, where he died of his head injuries, the man, August Felix, described his attackers. Young fellows did it, he whispered to the officers who got to him first. Kids.

Within three months, two 16-year-olds and three 15-year-olds had been charged with second-degree homicide in the March 26, 2006, attack.

The motive?

"I don't think there was a motive," police spokeswoman Sgt. Barbara Jones said, "other than, 'Let's beat someone up.' "

That high schoolers had turned -- allegedly on a whim -- into killers brought pause to city officials and advocates for homeless people. And not just because the killing was unprovoked, but because it fit into a trend larger than Orlando: a nationwide surge in violence, largely by teenagers and young adults, against some of the nation's most vulnerable citizens.

### More attacks

A 2006 report by the National Coalition for the Homeless found 142 attacks last year against homeless people, 20 of which resulted in death -- a 65% increase from 2005, when 86 were assaulted, resulting in 13 homicides.

By comparison, 60 such attacks were reported in 1999, the year the coalition -- the only entity to gather such data -- began to study the problem.

The numbers likely reflect only the most egregious attacks reported in newspapers, by agencies and some victims themselves, said Michael Stoops, acting executive director of the Washington-based coalition, and thus likely are low.

The trend is troubling, he said, because such attacks no longer occur just in major cities on the East and West coasts, as was the case in the 1980s.

In its most recent study, "Hate, Violence and Death on Main Street USA," the coalition documented attacks against destitute people in 62 communities in 26 states last year. Since 1999, such violence has occurred in 44 states and Puerto Rico, and in 200 communities nationwide.

An overwhelming majority of the attackers -- 88% -- were 25 or younger; 95% were male. No less than 68% of those accused and convicted in attacks were ages 13 to 19.

This pattern of violence, in Stoops' view, hasn't received the attention it deserves from the public or law enforcement.

"Homeless people are the newest minority group in America that is OK to hate and hurt," he said.

### **Caught on tape**

Americans did pay attention to the story of 58-year-old Jacques Pierre, a homeless man who had been sleeping on a bench on a college campus when three teenagers woke him, taunted him, then nearly killed him with baseball bats.

Why?

That Jan. 12, 2006, ambush in Ft. Lauderdale, Fla., was filmed by a surveillance camera and broadcast worldwide.

"For once," said Sean Cononie, who operates a shelter for homeless people in that city, "Americans saw with their own eyes how kids hunt down and kill homeless people as though it were a sport."

Cononie, who also publishes a monthly newspaper, the Homeless Voice, reported another trend: "Kids are even starting to videotape themselves hurting homeless people."

He was referring to a February incident in Corpus Christi, Texas, in which a 22-year-old, a 16-year-old and a 15-year-old describe on camera how they are going to assault a homeless man, then do. Police arrested one of the teens and are looking for the other two suspects. The victim suffered a concussion but survived.

Some perpetrators are even younger. In late March, homeless day laborer John D'Amico was walking at night in Daytona Beach, Fla., when three boys attacked, striking him with a concrete block. Two of the boys were 10; the third was 17. Each has been charged with aggravated battery.

### **Hate-crime status**

Some local governments have adopted ordinances that restrict where and when homeless people can sleep, stroll, beg, eat, bathe or do laundry. And it may have an unintended effect -- reinforcing negative stereotypes of homelessness.

"When cities pass laws that target homeless people, they send a message to their communities that the homeless are not as valuable in the public eye as those with homes," says Tulin Ozdeger, a civil rights attorney at the Washington-based National Law Center on Homelessness & Poverty.

There have been signs recently that lawmakers may be ready to crack down harder on those who assault homeless people without provocation, one being a push to categorize such attacks as hate crimes.

Between 1999 and 2005, 82 people were killed in the United States because of their race, ethnicity, religion or sexual orientation, according to the FBI, which has been collecting data on hate crimes since 1990. There were 169 homeless people killed during that same period, the National Coalition for the Homeless says.

Twenty-six members of Congress have asked the Government Accountability Office to determine whether attacks on homeless people should be classified as hate crimes under federal law. In the meantime, homeless hate-crime bills are moving through the legislatures in Maryland, California, Massachusetts, Nevada, Texas and Florida.

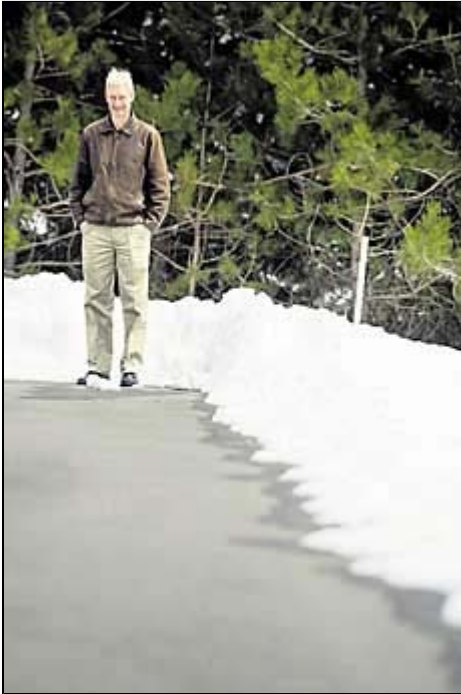
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04/11/2007

## Housing proposal irritates its neighbors

BY BILL O'BRIEN

[bobrien@record-eagle.com](mailto:bobrien@record-eagle.com)



Record-Eagle/Jan-Michael Stump  
**Scott Norris wants to build affordable housing in his Brookside Commons project off North Long Lake Road near Traverse City West High School, but neighbors say it will lower their property values.**

TRAVERSE CITY — Scott Norris wants to build a housing project where up-and-coming workers like his draftsman son can afford to live.

But his plans for a 100-plus-unit affordable housing project along North Long Lake Road in Garfield Township are drawing complaints over its development density and worries it could drag down neighboring property values.

It's a conflict that pits the region's steep need for lower-income housing against the challenge of finding a location where such housing is welcome.

Norris, owner of Olde World Custom Homes, has worked for months with the Michigan State Housing Development Authority on the Brookside Commons project, which calls for a dozen eight-unit buildings and eight single-family homes — a total of 104 housing units on the 21.5-acre site near Traverse City West Senior High School.

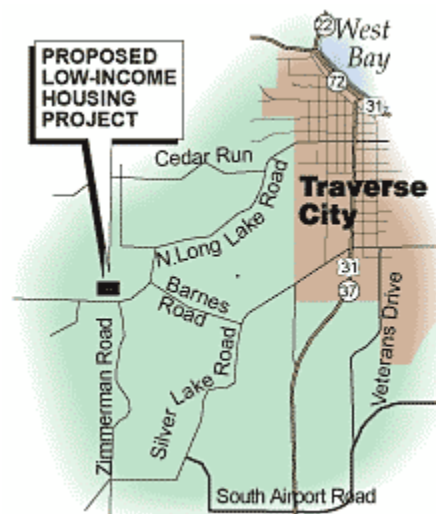
MHSDA would provide below-market financing for the estimated \$12 million project, in exchange for lower rental and purchase rates for income-eligible residents.

Norris said he started investigating the project because of a soft home-building market, and because his own family members have struggled to find decent local housing.

"When you know people who are in that situation ... the plight of people becomes a lot more real," Norris said. "I'm in a position where I can help address it in a practical way."

But critics of Norris' development charge it's too much housing on too small a site.

"The densities to me are way out of proportion to the neighboring properties," said John Nelson, a Garfield Township planning commissioner who opposes the project. The nearly five units per



acre that would be built on the site would be about three times the housing density on the adjacent Lone Tree residential development, he said.

"There's just way too many; the intensity of the use is too great," Nelson said.

Nelson won't vote on the project because his wife is a development partner in part of the next door Lone Tree project. But other partners and residents of Lone Tree complained to township planners about the Brookside plan, fearing it will diminish property values and make their lots more difficult to sell.

"The incompatibility of rental units with home ownership would probably be the greatest point of contention," Garfield deputy planner Michelle Haugen said.

Norris said the property is ideal for lower-income housing because it meets MSHDA's criteria that it have public water and sewer service, has public transportation available and is just a few minutes from downtown.

He also down played concerns about lower land values.

"My neighbors' fears are unfounded," Norris said. "I don't want to pooh-pooh them, because I'm sensitive to concerns about property values ... but the bottom line is there's no negative impact on property values."

Rents for the two-bedroom units would be in the \$670 range, with rents for three bedrooms starting around \$775. The developers plan to hire a state-approved management company to operate the project, and potential renters are screened for criminal background and credit checks.

The state also conducts annual inspections to check on property maintenance.

Norris said there's a pent-up demand for such housing. A letter last month to the township from Traverse City's Housing Commission said the city presently has more than 400 applicants on a waiting list for the city's federal housing voucher program.

Norris also said he's working with the Homestretch nonprofit regional housing agency on development of the eight single-family homes on the site. Homestretch director Bill Merry said the agency has helped build more than 50 homes for lower-income families in the region, but said demand for such housing remains high.

"We don't have any trouble selling our homes at all," he said.

Nelson said he supports affordable housing efforts in the region, but that Brookside will offer mostly rental housing that won't help lower-income families get into their own homes.

"We can do a much better job than this project for people who want to live in affordable housing," he said.

The project goes back to Garfield planning commissioners for more review at tonight's regular meeting, where planners may set a May public hearing. The township board has final authority over the planned unit development approval.

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## After Cedar Knoll: Of beds and patients

Wednesday, April 11, 2007

Michigan does not have a true free market in the development of nursing homes. Despite stringent state regulation of the industry, there is enough of the free market to hope that there is a happy ending in the sad story of Cedar Knoll Nursing Home.

Last month Cedar Knoll, having failed to meet regulations, was forced to close. Over a few weeks, its 121 patients were sent to other facilities. That leaves Jackson County with 150 vacant nursing-home beds.

A naive person might assume some enterprising company would merely step into the vacuum, build a new facility and take up the slack. It

isn't that simple.

Nursing homes fall under Michigan's Certificate of Need system. Like hospitals, nursing homes must establish the need for new beds. The object of that review is to ensure that the market isn't saturated with too many of these very costly facilities.

Thus, whoever wants to take up the slack from the loss of Cedar Knoll's beds must work within the state's limited allocation of beds for this county. That doesn't mean one facility must necessarily get all 150 beds, for they can be divided and parceled out.

Fortunately, three companies are competing for the right to provide beds. Two are based in Jackson County -- John Ganton's Countryside Retirement Community and a new company affiliated with Lloyd Ganton Retirement Centers. The third is Southfield-based Ciena Healthcare Management.

Each of the three enjoys a better record than Cedar Knoll, which had compiled a terrible history of infractions of state regulations. Thus, Jackson County is likely to come out of this with a much better nursing home to replace an old one.

There is one facet of this, however, that concerns us. Surely a new facility will be good for private-pay nursing-home patients -- but will it accept Medicaid patients?

Cedar Knoll was licensed to care for Medicaid patients, and most fell into that category. Had one of the three companies actually bought Cedar Knoll, it would have had to serve the Medicaid populace. However, there is no such mandate apart from a sale. Thus, the available beds could be used only for private-pay patients.

Obviously, there must be accommodations for both Medicaid and private-pay patients. Medicaid patients are the ones facilities tend not to want, for Medicaid reimbursement is lower.

To both the state regulators and companies desiring to take up Cedar Knoll's slack: Don't let the Medicaid patients get lost in the shuffle. Competition assumes there is a keen interest in a stream of revenue. That stream is not as lucrative on the Medicaid side as the private side. Yet it is in this community's interest to take care of its own.

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## Here to stay: Migrant worker issue contains many perspectives

By Sally Barber, Cadillac News

Every year about 40,000 migrant farm workers come to Michigan to pick fruit and vegetables and to work on dairy and Christmas tree farms.

This year the numbers may increase according to Christina Loera, a member of the migrant clinic staff serving this region.

Loera is involved with the federal Women, Infants and Children (WIC) Program. In February, the most recent data period, the clinic registered 420 women and children. While the clinic serves Wexford and Missaukee counties, those numbers primarily account for Oceana County, where the seasonal work is beginning, Loera said. The figure excludes men who often come without family members.

Many of the migrants registering with the clinic are in Michigan for the first time. Most are coming from Mexico, California, Wisconsin and Florida because of lack of work in those areas, Loera said.

"They are lower educated, low-income — and come up here to make a living," she explained. "Some of the women come here to have their children and make sure they are born in the U.S."

The immigrant story is a kaleidoscope of perspectives, but the bottom line is the human quest for personal and community economic stability.

When Autumn Vista Dairy in McBain was founded, the native language of the farm worker was Dutch. Today, more than a century later, it's Spanish.

Third generation dairy owner/operator Gerry Gernaat employs 30 workers at peak season. Half are immigrants.

"I'm passionate about opportunities for people," Gernaat said. "My mother came here from Holland when she was 10. It gave her an opportunity for a better life."

Mexican immigrant Elvia Vasquez is one of many workers who have benefited from Gernaat's drive to pay back the system that sustained his family.

After leaving her hometown San Luis Potasi, Vasquez settled in Texas. Ten years ago she came to Michigan to work on the Gernaat farm. Mother of five, she manages care for the dairy's 200 calves, earning \$11 per hour. In addition to wages, she is provided medical insurance and a house with paid utilities.

"People come here because they want to work for their families," Vasquez said in broken English.

Herdsmen Jesus Mejia, also a manager, came to the United States in 1986 and to McBain in 1997.

"Coming to the U.S., my life is 100 percent better," Mejia said.

Gernaat has hired Hispanic immigrants for the past decade.

"We need a stable workforce and they do fill that need," he said. "Unemployment is 5 percent. Of that, it's very difficult to hire enough people to do the repetitious work we do on the farm."

But an immigrant's legal status can be an unanswered question. New hires are required to complete state and federal W-4 forms, a Department of Homeland Security I-9 form, provide a social security number and two forms of picture identification. Gernaat must assume documentation is authentic.

"It's against the law to ask a worker if they are a citizen," he said. "We can get in trouble if we try to determine if a Hispanic is illegal. We would be profiling."

Gernaat said he is aware of employers in northern Michigan who are "getting away with" knowingly hiring illegals and paying wages in cash to avoid tax issues.

Unlike numerous area Christmas tree growers, Dick Duddles of Reed City will not employ immigrants. He anticipates filling his demand for seasonal workers this year from the area labor pool.

"I think it takes jobs from the local people and when migrants get their checks they send their money back wherever, and they don't pay their fair share of taxes," he said.

With the number of illegals undocumented the balance between give and take is hard to evaluate. Like employers, public health workers are prohibited from questioning a person's legal status, said Dr. James Wilson, District Health Department No. 10 medical director. Anyone qualifying for service under agency guidelines cannot be denied. However, the impact of immigrants on the local public health system is limited.

"We have some in Missaukee County," Wilson said. "If you look at the statistics, it's a small percentage."

Long-term, Gernaat sees the immigrant worker as a permanent part of both the labor force and society.

Your local connection

Current agriculture job openings listed by the Michigan Migrant and Seasonal Worker Program's area offices:

- Manistee office: Christmas tree work, 48 openings, \$9.65 per hour, housing provided. (231) 398-3166
- Fremont office: Asparagus harvesting, nursery, pruning and landscaping work, 99 openings, \$6.95 to \$7.25 per hour, some housing provided. (231) 924-3230

Area licensed migrant housing:

- Wexford County, 2 units, capacity 15
- Missaukee: 19 units, capacity 151
- Osceola County: None

Source: Michigan Department of Labor and Economic Growth

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Burying the poor now costlier

**Elizabeth Huff**

*The Enquirer*

Funeral homes, cemeteries, crematories and vault companies are enduring cuts to state funding for burying the poor.

Gov. Jennifer Granholm's \$344 million executive order last week, made to address a budget shortfall, included a 25 percent reduction in the Department of Human Service's State Emergency Relief supplements for indigent burial.

"It's affected everybody in the death-care industry in Michigan," said Richard Rowe, general manager of Oak Hill Cemetery and Crematory in Battle Creek. "We hate to see it happen because it happens at a time when a family has so much to deal with."

Oak Hill sees 50 to 60 burials for the impoverished per year, Rowe said. In Michigan, there were 6,365 state-funded SER burials during FY 2006, according to the Department of Human Services.

The supplement has been reduced from \$909 to \$680 per burial; \$435 will go to the funeral director, \$145 to the cemetery or crematory and \$100 to the vault provider.

"This is nothing new," said Jim Talbot, manager of the Battle Creek Memorial Park Association. "They've been trimming that benefit for years now. ... I guess the state just basically decided it's not going to take the responsibility. Folks without means are going to have less options."

The funeral director is traditionally responsible for transporting the deceased, filing legal documentation and coordinating the embalming, casketing, cremation, funeral service and visitation time. A cemetery may provide graveside services and burying. Vault makers supply the underground block surrounding a casket. The total bill can be thousands of dollars.

"For our (indigent) burials, we have to cut it down to the minimum, which is pretty much just do the burial," Rowe said. "We can't provide any services."

Funeral directors may not be able to offer embalming, visitation time or funeral services.

"We are going to have to make some alterations," said Don Estes, CEO of Farley-Estes & Dowdle Funeral Homes in Battle Creek, Augusta and Richland. "Instead of the traditional full service, there will be partial services."

The funeral home takes at least 25 indigent cases a year, Estes said.

Without outside donations from family and friends, the poor will have some tough choices to make.

Although some caskets cost upwards of \$80,000, cloth-covered flat-top options are available for a few hundred dollars, said John Dowdle, the funeral homes' president.

Cemeteries are hesitant to accept State Emergency Relief burials.

"As a private cemetery we aren't obligated to accept (indigent burials)," Talbot said. "We have, (but) every time the benefit is cut we have to consider if we are going to continue that."

Tim Brutsche, president of Brutsche Concrete Products of Battle Creek, is a vault wholesaler who said now he is reimbursed \$100, or less than 20 percent of the vault cost.

"What they are offering now is an insult," he said. "They may as well just drop the program."

The supplement, however, allows for the care of individuals who may have no family or friends who can help bear the financial burden.

Although those in the death-care industry don't see the money coming back anytime soon, Rowe said it is still their responsibility to "bury the indigent for whatever funds are available."